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**KINGSTON, ONTARIO**

1841  
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Correspondence.

## ADDRESS.

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*To Her Most Gracious Majesty the Queen.*

MAY IT PLEASE YOUR MAJESTY,

Seeing that your Majesty will arrive at Holyrood Palace this day, I avail myself of the opportunity to submit to your Majesty's perusal and gracious consideration, the following Report of a Select Committee of the Legislative Assembly of Canada, establishing facts vitally important to my interests: declaring opinions grounded thereon, and suggesting remedies for wrongs which your Majesty only can redress.

" Report of Select Committee, to whom was referred the Petition of Robert F. Gourlay, Esquire, have the honour to report.

" Your committee having investigated the Petition, and examined witnesses in relation to the same, and procured affidavits from persons cognisant of the matters and allegations contained therein, find the following facts to be fully proven:—

" The petitioner, Mr Gourlay, first visited Canada in the year 1817, where he had acquired property by marriage, and also by purchase; and commenced statistical inquiries into the capabilities of the province, in the course of which he became aware of the existence of various abuses. He then proposed that a commission should be appointed to proceed to Great Britain, to have these abuses rectified, and held public meetings for that purpose, accounts of the proceedings at which were published in a pamphlet, which was generally approved of by the people of the province; but by those in power was considered as having a seditious tendency, and he was therefore arrested and put upon his trial for sedition at Kingston, but, being acquitted, he was again tried at Brockville, with, however, a similar result.

" He then had to proceed to New York on business, and, on his return, was imprisoned in the gaol at Niagara, where ill treatment, in being confined in a cell for five weeks in the dog days,—debarred from the sight of or communication with his friends, his counsel, or the Magistrates of the district,—threw both his body and mind into such a state as to render him totally unfit to defend himself upon his trial, or even to comprehend his arraignment. The result of the trial was, that he was banished from the province for life, under pain of death should

he return, his alleged crime being that he neglected to quit the country upon the order of a single Magistrate (two Legislative Councillors), acting under an unjust construction of an unconstitutional statute most illegally exercised.

"Your committee do not think it necessary to comment on such proceedings.

"From the evidence adduced, which will be found in the appendix to this report, your committee are of opinion, that the arrest and imprisonment of the petitioner in Niagara, in 1819, was illegal, unconstitutional, and without the possibility of excuse or palliation. That, debarring him from an interview with his friends or his counsel, was also illegal, unjust, and unconstitutional. That, preventing magistrates of a county or district from visiting the gaol of that county or district, is a violation of all propriety, and, if persisted in, would lead to the most pernicious consequences.

"Your committee are further of opinion that his trial and sentence, when in a state of bodily and mental weakness, from the sufferings which he had undergone, which prevented him from defending himself, was unjust, unconstitutional, and cruel.

"Your committee cannot but express a hope that your Honourable House will do the petitioner that justice which has been so long denied him, and pass an address to his Excellency the Governor-General declaratory of the above opinions, in order that the Crown may repudiate the transactions by which the petitioner has been persecuted to his ruin, and that the Legislature may declare his sentence of banishment null and void, and cause him to be compensated for the losses he has sustained by the unwarrantable exercise of authority. In the meantime, that some allowance be made to him to defray his personal expenses, while in attendance before the Legislature defending the rights of a British subject.

"Your committee are in possession of proofs, that during the late rebellion, when the petitioner was resident in the United States, his Excellency Sir Francis Bond Head, then Lieutenant-Governor of Upper Canada, derived from him the most important intelligence of the movements of the brigands then organizing for an attack on the province. This, your committee humbly suggest, should neither be overlooked nor forgotten. All which is respectfully submitted.

"W. DUNLOP, *Chairman.*"

"*Kingston, Sept. 11, 1841.*"

The Legislative Assembly approved of the above Report, and unanimously voted that it should be laid before the Governor-General, Lord Sydenham, by address, who attached to it his signature two days before his death.

Being paid £50 in part of expenses, as advised by the Assembly, and having procured office copies of all needful papers, I left Kingston, intending to proceed to England, there to lay the whole matter before the Imperial Parliament; but, at Quebec, found it necessary to return to Kingston; and then the Executive Council took a stand against the Assembly's Report, which obliged me to remain in Canada till Parliament was again assembled, in order that the Report might be sustained by its authors; but, instead of this, they represented me as an object of pity, and procured a pension which I indignantly refused to accept—not because it was little, but because acceptance would have argued an abandonment on my



part of the Assembly's Report, and a confession of weakness, or worse than weakness, of guilt.

Trusting that the Assembly would, in time, think seriously of my case, I remained in America, year after year, pressing for inquiry; but, at last, in 1846, the Assembly having refused me a hearing at its bar, either by myself or counsel, I returned home to Scotland. Here I entrusted the member for Montrose with a petition to the House of Commons, praying for inquiry into my case; but he neglected to acknowledge it, and the member for Fife declined acting, being hopeless of success.

Two years ago, a book was published in London, entitled "*CANADA AS IT WAS, IS, AND MAY BE*,"—purporting to have been written by Sir Richard H. Bonycastle, and edited by Sir James Edward Alexander, officers in the British Army; in which book, I am falsely and insidiously scandalized. Among other statements it is said of me, "*he was an outlaw, and every man might then have destroyed him.*" I feel assured that your Majesty would not countenance any military man in publishing such matter; and, for myself, on this occasion, I beg leave to state, that, I received from his Majesty George III a commission, as Captain Commandant of Volunteers, so early as 1799; and challenge the world to convict me of a single mean, cowardly, or dishonourable act, in the whole course of my life. It is in your Majesty's power to cause enquiry to be made into every particular here set forth; and, I do not despair of such enquiry.—Ever, with devoted homage, your Majesty's faithful subject,

ROB. F. GOURLAY.

90 Princes Street, Edinburgh,

October 12, 1854.

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*P.S.*—It is proper to state that the original of the above was handed in by me at Holyrood Palace by three o'clock of the day on which it was written. The scroll copy being accidentally destroyed, the above was written—all but the Report—from memory. Some words and expressions may, therefore, vary from the original; but, in the main, they will be found the same.

The Lord Chief-Justice Campbell, from the purest friendship, but unknown to me, corresponded with Lords Elgin and Grey, and procured an Official Report on my case, which Lord Elgin communicated to Lord Grey with a letter dated Montreal, 23d December 1847, now in my possession. This Report is similar to that served on me by the Executive Council, December 1841, which I still maintain is untrue, both in fact and argument.

Two years ago I was about setting off for Canada, when a sad accident maimed me for life; yet, if possible, I shall be there still, to assert my rights, and hold my property.

At the present moment I rank as a candidate for the Chair of Agriculture in Edinburgh University; and this will be accompanied with TESTIMONIALS printed for the occasion, which your Majesty is most respectfully solicited to peruse.

90 Princes Street, Edinburgh,

R. F. G.

October 27, 1854.



## CORRESPONDENCE.

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*Montreal, 23d December 1847.*

My dear Lord—I enclose herewith a short statement of Mr Gourlay's case, from which it appears that a pension of £50 a-year has been awarded to him by the Parliament of Canada, in consideration of the inconvenience and loss to which he was subjected under the operation of a law which was some years ago in force in the province of Upper Canada. [*Was that all?*] Mr Gourlay refuses, I understand, to take this pension, alleging [*I alleged no such thing: it was insulting in the highest degree*] that it is inadequate. I am unable, however, to hold out any expectation that further compensation will be granted to him.—Yours very faithfully,

ELGIN & KINCARDINE.

*The Right Hon. the Earl Grey, &c. &c.*

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*Sunnyside Cottage, near Montrose, Nov. 16, 1847.*

My dear Lord—As Parliament is about to meet, and your engagements will multiply, may I now beg a few lines, saying what reply was made by Lord Elgin to your letter calling to notice my case. This will oblige your old friend,

ROB. F. GOURLAY.

*Lord Campbell.*

*Stratheden House, November 18, 1847.*

My dear Gourlay—I had several times, with no effect, applied to Lord Grey to know the result of Lord Elgin's inquiries into your case.

To-day I sent him your letter, with a strong remonstrance, and have just received the inclosed answer.

I conjecture that your letter and mine are both forwarded to Lord Elgin, and I hope they will at last produce the desired effect.—Yours very truly,

CAMPBELL.

*C. O., November 18, 1847.*

Dear Lord Campbell—I have heard nothing from Lord Elgin about Mr Gourlay. Your note just reached me in time to call his attention to the subject by this mail, which I have done.—Yours truly,

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*Stratheden House, January 18, 1848.*

My dear Gourlay—I inclose the despatch which Lord Elgin has sent home respecting your case. However inadequate the compensation offered to you may be, I see no prospect of obtaining more, and I would strongly advise you to accept the arrears of the annuity, and to send proper receipts for the payments as they become due.—I remain, yours truly,

CAMPBELL.

*Sunnyside Cottage, Montrose, January 26, 1848.*

My dear Lord—Your letter, dated 18th instant, with copy of Lord Elgin's despatch to Lord Grey on my case, was received in course; but, having been confined with influenza for some weeks past, I am only now able to write.

I will receive no pension from Canada, and beg that it may never again be mentioned. I hold by the award of 1841—the unanimous declaration and desire of the Legislative Assembly. I will have that or nothing. There are abundant reasons for my course of action; but your Lordship's time is too valuable to be intruded on with these. All I now ask is, that you will cause this letter, or a copy, to be transmitted to Lord Elgin; and you will ever believe me, yours very truly,

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## MR GOURLAY'S CASE.

In the Minute of Council attached hereto, which Mr Sullivan drew up on the 10th December 1841, Mr Gourlay's case is briefly stated, and the question of the legality or illegality of the proceedings of which Mr Gourlay complains set at rest. [*Set at rest, is it ?*] This Minute of Council was founded on an address of the Legislative Assembly, dated September 1841, enclosing a copy of a Report of a Select Committee on Mr Gourlay's case, of which the following is an extract :—

‘ Your Committee cannot but express a hope that your Honourable House will do the petitioner that justice which has been so long denied him, and pass an address to His Excellency the Governor-General declaratory of the above opinions, in order that the Crown may repudiate the transaction by which the petitioner has been persecuted to his ruin, and that the Legislature may declare his sentence of banishment null and void, and cause him to be compensated for the losses he has sustained by this unwarrantable exercise of authority, and in the meantime, that some allowance be made to him to defray his personal expenses while in attendance before the Legislature defending the rights of a British subject.’

Mr Gourlay, it appears, was arrested in 1819, upon a charge of sedition, and, in exercise of the power given by the Provincial Act passed in 1804, was ordered to quit the Province within a limited time. Mr Gourlay chose to disregard the order thus given, and was again arrested, tried, and convicted upon the statute, and sentenced to be imprisoned and banished. [*What says the Report ?*]

Mr Gourlay claims redress for what he suffered, under what he maintains to be an illegal assumption of authority.

In compliance with one part of the address, namely, that some allowance be made to Mr Gourlay to defray his personal expenses while in attendance before the Legislature, the Administrator of the Government, Sir Richard Jackson, on 26th October 1841, ordered £50 currency to be paid to Mr Gourlay from the sum appropriated by the Legislature for unforeseen and indispensable expenses.

The desire expressed by the Legislative Assembly that the Crown should repudiate the proceedings by which Mr Gourlay had suffered, was an impracticable request. [*Who has settled this point ?*] In reference to this demand, the Minute in Council states :—‘ The proceeding against Mr Gourlay does not appear to have been an act of the Executive Government, but of a tribunal exercising extraordinary and extensive power, and having the widest discretion as to the mode in which it should be used. In assenting to the repeal of the act itself, the Government has already expressed its opinion in the strongest manner against the continuance of such arbitrary power in any person or body of persons, but the Committee do not see how the disavowal of the act of persons over which the present Government of the Province had no control, can in anywise help Mr Gourlay's case.’ [*I see all this very differently ; and with opportunity shall make the case clear ;—shall put the saddle on the right horse.*]

With respect to the desire expressed in the report of the Committee, that the Legislature should declare the sentence of banishment null and void, the



Minute of Council states that Mr Gourlay 'appears legally to be in a position requiring protection from the sentence passed upon him as to its future operation. The Committee believe that he might at any time, since the repeal of the act in question, have procured this protection by means of a pardon' [*a pardon !*] 'under the Great Seal; and there is no good reason why, if he wishes it, he should not be granted a pardon now.' [*Can there be grosser insult ?*] 'But he further seeks pecuniary indemnity for what he considers an illegal prosecution and conviction, which cannot be granted in the shape he requires it, unless it can be shewn that the prosecution and conviction were really illegal.' [*It can be demonstrated.*]

A copy of this Minute in Council was given to Mr Gourlay.

In September 1842 Mr Gourlay again petitioned the Legislative Assembly, complaining of what he terms 'irregularity on the part of the Crown Ministers, and praying for inquiry into their conduct with respect to himself.'

This petition, Mr Gourlay states, was referred to a Committee, 'which waived its only object—that of inquiry, and recommended that a pension should be granted to him.' The Report of this Committee was adopted by the Legislative Assembly on the 6th October 1842, and transmitted by address to the Governor—the address reiterating the opinion of the Committee, that Robert F. Gourlay is entitled to an adequate provision in the form of an annuity during his natural life, and humbly recommending that the matter be submitted to his Excellency the Governor-General. On the 10th of the same month His Excellency, by message to the Assembly, announced that he had directed that the sum of £50 be granted annually to Mr Gourlay during his natural life.

On the 16th September 1844 a warrant was issued for £86 : 16 : 4 currency in favour of Mr Gourlay, being the amount of his annuity from 6th October 1842 to 30th June 1844, at the rate of £50 per annum. This money was paid to Mr Gourlay, who, when he received it, refused to acknowledge it to be on account of a pension, which he stated he had never asked for; but said he would keep it as part payment of expenses incurred by his attendance before the Legislature, defending the rights of a British subject.

In January 1845 the Receiver-General wrote to Mr Gourlay at Boston, informing him that a warrant had been issued for the half-year's amount of his pension, and that it should be paid to him or his order, on the production of the receipt (which was enclosed) for the same, bearing his signature. This receipt Mr Gourlay refused to give; and the amount of the annuity, from the 30th January 1844, remains in the Receiver-General's hands.

In May 1846 Mr Gourlay again petitioned the Legislative Assembly, complaining that his sentence of banishment is yet not declared null and void, and that he has not been compensated for losses, and praying that 'the whole of the premises may be duly considered, and that compensation be allowed him for expenses incurred during these last five years,—the whole of that time having been devoted to his defence as a British subject.'\*

No proceeding appears to have been taken upon this petition.

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\* I had four petitions presented and printed :—one of them (the 2d) praying to be heard by myself or counsel at the Bar of Assembly. That being denied, the two others were written merely to make record.

*To Members of the Legislative Assembly of Canada.*

90 Princes Street, Edinburgh, Nov. 17, 1854.

GENTLEMEN,

Your transactions are reported to me weekly by newspapers; and it is satisfactory to know that you have become strong in numbers and mental power—sufficient to gain respect the world over, were your system of government what it *ought* to be—what I saw thirty-six years ago it *should* be, and which it *would* be, did you act as independent men, and send home commissioners, frankly to ask what is required—a Revision of your Constitution. Without that there is no hope, even from *amalgamation*. Let a dozen of you be here by Christmas, to proceed to Liverpool,—to Manchester,—to Birmingham,—to London. Then, all will be glorious in your glorious land: united for ever to this, the nurse of liberty and civilization. Do not your hearts glow within you to read of heroism in the Crimea, of France and England striving who shall be foremost in the field against barbarism—Alas!—even too heroic.

Think you that I am imbecile,—speaking of paying the National Debt and doing away with Poor Laws:—At Markham, in 1839, I asked for a seat in the Assembly; and again, 1841, at Indiana. I have thrice stood for Fife at Parliamentary elections, and twice as a candidate for the Chair of Agriculture,—all to uphold my right as a British subject, and for that alone. Your Report of 1841 urged me on, and it is your bounden duty to uphold that Report. Nothing will be easier, should you but try. Look to Sullivan's imbecile arguments:—his begging the question:—his presumption—his art!—Not one of you, I hope, but has brains sufficient to detect such flagrant deception. Am not I the victim of oppression for the sake of Canada, thirty-six years?—Am I to die, calling out shame upon you? I ask these questions gravely, and, across the broad Atlantic you ought to give ear.

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"Your committee are in possession of proofs, that during the late rebellion, when the petitioner was resident in the United States, his Excellency Sir Francis Bond Head, then Lieutenant-Governor of Upper Canada, derived from him the most important intelligence of the movements of the brigands then organizing for an attack on the province. This, your committee humbly suggest, should neither be overlooked nor forgotten. All which is respectfully submitted.

"W. DUNLOP, *Chairman.*"

"*Kingston, Sept. 11, 1841.*"

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The Legislative Assembly approved of the above Report, and unanimously voted that it should be laid before the Governor-General, Lord Sydenham, by address, who attached to it his signature two days before his death.

Being paid £50 in part of expenses, as advised by the Assembly, and having procured office copies of all needful papers, I left Kingston, intending to proceed to England, there to lay the whole matter before the Imperial Parliament; but, at Quebec, found it necessary to return to Kingston; and then the Executive Council took a stand against the Assembly's Report, which obliged me to remain in Canada till Parliament was again assembled, in order that the Report might be sustained by its authors; but, instead of this, they represented me as an object of pity, and procured a pension which I indignantly refused to accept—not because it was *little*, but because acceptance would have argued an abandonment on my part of the Assembly's Report, and a confession of weakness, or worse than weakness, of guilt.

Trusting that the Assembly would, in time, think seriously of my case, I remained in America, year after year, pressing for inquiry; but, at last, in 1846, the Assembly having refused me a hearing at its bar, either by myself or counsel, I returned home to Scotland. Here I entrusted the member for Montrose with a petition to the House of Commons, praying for inquiry into my case; but he neglected to acknowledge it, and the member for Fife declined acting, being hopeless of success.

[Two years ago, a book was published in London, entitled "*CANADA AS IT WAS, IS, AND MAY BE*,"—purporting to have been written by Sir Richard H. Bonycastle, and edited by Sir James Edward Alexander, officers in the British Army; in which book, I am falsely and insidiously scandalized. Among other statements



it is said of me, "*he was an outlaw, and every man might then have destroyed him.*" I feel assured that your Majesty would not countenance any military man in publishing such matter; and, for myself, on this occasion, I beg leave to state, that, I received from his Majesty George III a commission, as Captain Commandant of Volunteers, so early as 1799; and challenge the world to convict me of a single mean, cowardly, or dishonourable act, in the whole course of my life. It is in your Majesty's power to cause enquiry to be made into every particular here set forth; and, I do not despair of such enquiry.—Ever, with devoted homage, your Majesty's faithful subject,

ROB. F. GOURLAY.

90 Princes Street, Edinburgh,

October 12, 1854.

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*P.S.*—It is proper to state that the original of the above was handed in by me at Holyrood Palace by three o'clock of the day on which it was written. The scroll copy being accidentally destroyed, the above was written—all but the Report—from memory. Some words and expressions may, therefore, vary from the original; but, in the main, they will be found the same.

The Lord Chief-Justice Campbell, from the purest friendship, but unknown to me, corresponded with Lords Elgin and Grey, and procured an Official Report on my case, which Lord Elgin communicated to Lord Grey with a letter dated Montreal, 23d December 1847, now in my possession. This Report is similar to that served on me by the Executive Council, December 1841, which I still maintain is untrue, both in fact and argument.

Two years ago I was about setting off for Canada, when a sad accident maimed me for life; yet, if possible, I shall be there still, to assert my rights, and hold my property.

At the present moment I rank as a candidate for the Chair of Agriculture in Edinburgh University; and this will be accompanied with TESTIMONIALS printed for the occasion, which your Majesty is most respectfully solicited to peruse.

90 Princes Street, Edinburgh,

R. F. G.

October 27, 1854.

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*Downing Street, 18th November 1854.*

Sir—I am directed by Mr Secretary Sir George Grey to acknowledge the receipt of your Petition [the above address with *P.S.*], which has been forwarded to him by Colonel Phipps, by command of the Queen, the Secretary of State for the Colonies being the proper channel through whom petitions of this nature should be presented to Her Majesty.—I am, Sir, your obedient servant,

HERMAN MERIVALE.

*R. Gourlay, Esq.*

*To Her Most Gracious Majesty Victoria, Sovereign of the United Kingdom of Great Britain and Ireland, &c. &c. &c.*

The ADDRESS of ROBERT F. GOURLAY, a native of Ceres Parish, in the County of Fife, North Britain : banished from Upper Canada ; and now residing in the United States of America.

*Willoughby, Ohio, October 13, 1837.*

MOST GRACIOUS SOVEREIGN,

Far from home, and in a foreign land, your Majesty's Speech to Parliament has warmed my heart, strengthened my patriotism, and revived expiring hope. Through life I have been loyal, but now my loyalty is more fervent, seeing the British Crown sustained by the veriest purity. Long may it be so ; and may Almighty God, on whom you depend, continue to your Majesty every blessing.

With territory encircling the globe, two hundred\* (one hundred and thirty†) millions of subjects acknowledging your Royal sway, and the eyes of an enlightened world turned towards the British throne, what may we not expect, when love is paramount, and God propitious !

Your Majesty must be aware, that the people of Lower Canada have, for several years, refused supplies to Government, and are now threatening revolt, while many in other provinces sympathize, and would readily assist. Of immediate causes, I am ignorant, having for many years turned with disgust from Canadian affairs ; but doubt not that the people are right. Certainly Lower Canadians were during war, and long after, the most loyal people in America ; and from personal experience I know that nothing is too bad for provincial Government to perpetrate. Supplies ought to have been refused twenty years ago ; and thereby twenty millions of pounds sterling might have been saved to Britain.

In an address to the late King, my own case, opinions, and feelings were set forth ; and a copy is annexed for your Majesty's perusal. Permit me now, most excellent Queen, to advise, at once humbly, frankly, and earnestly.

When Constitutions were given to British America, the inhabitants were unfit to legislate for themselves : not so now ;—now they are nearly as numerous as were the people of the United States when they achieved independence ; and with helps of this enlightened age, are doubtless more able to frame Constitutions. Let them do so. Let the Queen of the ocean cross the Atlantic ; and, at Halifax, Quebec, and Kingston, proclaim the provinces free ; saving to Britain the sovereignty and the forts, the water-ways and wild lands. Let your Majesty give to the people a *carte blanche* for legislation ; “ *and in mercy shall the throne be established.*” Let love be the only bond of union between Britain and her colonies : then it will be eternal, and all time will resound with applause.

No one is better entitled to speak of Upper Canada than myself. It is by nature the most enviable spot on the American continent ; but how does it stand in

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\* Maximum.

† Minimum.

comparison with this State of Ohio? It began to be settled earlier; is more extensive and salubrious; as fertile and improvable; but already Ohio has three times the population; three times the extent of canals and railways; ten times the wealth, and more than ten times the number of churches, colleges, and schools—all the result of freedom.

First and last, my object has been to make Upper Canada an asylum for the poor of England, and it may yet be a happy one. For this, I am about to revisit the Provinces, there to counsel peace, and there I shall await a reply to this Address. It shall be transmitted to your Majesty by one of my daughters in Scotland, who will witness the purity of my motives, as well as my constant endeavours to maintain the unity of the Empire.

I am, most dutifully, sincerely, and respectfully,

Your Majesty's loyal subject,

ROBERT F. GOURLAY.

NOTE.—Three copies of the above were dispatched by post:—the first direct to Her Majesty in England; the second to Sir Francis Bond Head in Toronto, to be forwarded, after perusal, to my daughter in Scotland; and the third to my daughter direct in Scotland. Both of these last were received by my daughter;—one forwarded by her to the Queen;—the other to Sir John Campbell, Attorney-General, for Her Majesty.

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*Cleveland, Ohio, Dec. 27, 1837.*

Sir—Having removed to this city for warm winter quarters and medical aid a month ago, Captain Halkett's letter of 28th Nov. did not come to hand so soon as it might, but is now before me, giving assurance that the third copy of my Memorial to Her Majesty was despatched for my daughter.

With sorrow and shame have I since read of rebellion in the Canadas:—sorrow for the poor deluded people—shame for British rule. Little did I imagine, when addressing the Queen, that the "*madness of the people*" would really break forth; and it is now some consolation to think, that the paroxysm being over, good may come out of evil;—that bad blood let off, fever may abate, and the body politic enjoy lasting health.

Immediately after returning to this place, from Upper Canada, last year, I printed my correspondence with Your Excellency, (a copy of which shall be despatched along with this letter), and was actually on board a schooner for passage across Lake Erie, when accident induced delay. I then added to my printed "Record," and was again on the wing for Upper Canada, when it pleased God to strike me down with disease, which still renders me unable to move into the province.

Sir!—however wicked and weak—blackguard, bloody, and bungling, have attempts been to rive the colonies from Britain, no such disgraceful catastrophe would have been witnessed had the Government been pure. It has been at once impure, wasteful, and regardless of principle, as I myself can attest. I allude to none of your doings. From all accounts, your conduct has been honourable and masterly. Your latest political measure—the removal of the military from Upper Canada, and confiding in the people, is above praise—is itself satis-

factory proof that parties have had fair play, while the result already condemns revolters. We hear that they are in possession of Navy Island, with strong reinforcement from the United States. Let them abide to cool; and honour them not with a siege. A little time will show them off as truly contemptible.

Americans, generally, are grossly ignorant of Canadian affairs. They talk of tyranny and oppression, while Britain has been indulgent to a fault,—pampering fools, and caressing bears. They compare this miserable brawl to their glorious revolution! What would Washington say, were he to rise from the grave! The good sense of Americans will soon discover their mistake; and, if the fools, who in frenzy have taken part with run-aways, do not retire in shame, their countrymen will gladly see them kicked out from interference in family affairs.

I, Sir, am out of sight the greatest sufferer from colonial abuse; but, I am a Briton, and to Britain shall ever be true. I have constantly looked to Upper Canada as a field where the best principles and feelings may be cultivated; and despair not, even now, when it is putrid, of seeing its fruit of the finest flavor.

Four years ago, I landed at New York; and, annoyed with the threats of one party and the caresses of another, issued a proclamation against all. A year afterwards, my case was addressed to His Majesty, while I told the Duke of Wellington, that "*British spirit shall uphold British America, whether the weaklings now in possession—Governors or governed—will or will not.*" I say so still.

But, Sir, there is a cause greater than that of Canada; more crying than the strife of nations,—more sacred than that of patriotism—the cause of the poor;—a cause which must be won, not by hostile attack, but by friendly admonition, reason, and religion. To that cause I am spell-bound.

This day, thirty-seven years ago, I left London, under the auspices of the Board of Agriculture (see Young's Annals of Agriculture, volume 37, and page 514), to inquire as to means of bettering the condition of the poor; and, from that day to this, have been devoted to the pursuit. You have been a Commissioner of poor-laws: I have made that subject the study of my life. I have informed Her Majesty, that "*first and last, my object has been to make Upper Canada an Asylum for the poor of England;*" and, with Her Majesty's assistance, shall render it a "*a happy one.*"

Now, Sir, enough is said for the present; and all I ask of you is, to lay this letter and the enclosed address to the Queen, before the Commons' House of Assembly; while you cause copies of the whole to be published in provincial newspapers. If ignorance has hitherto taken my writings as bane, these may serve as an antidote.—I have the honour to be, with the utmost respect, your Excellency's obedient servant,

ROB. F. GOURLAY.

*Sir Francis Bond Head, &c.*

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Toronto, 11th January 1838.

Sir—I am commanded by the Lieutenant Governor to acknowledge the receipt of your letter of the 27th December; and to inform you that his Excellency will pay every possible attention to your wishes.—I have the honour to be, Sir, your obedient servant,

F. HALKET.

*Robert F. Gourlay, Esq.*







## CORRESPONDENCE.

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*Montreal, 23d December 1847.*

My dear Lord—I enclose herewith a short statement of Mr Gourlay's case, from which it appears that a pension of £50 a-year has been awarded to him by the Parliament of Canada, in consideration of the inconvenience and loss to which he was subjected under the operation of a law which was some years ago in force in the province of Upper Canada. [*Was that all ?*] Mr Gourlay refuses, I understand, to take this pension, alleging [*I alleged no such thing : it was insulting in the highest degree*] that it is inadequate. I am unable, however, to hold out any expectation that further compensation will be granted to him.—Yours very faithfully,

ELGIN & KINCARDINE.

*The Right Hon. the Earl Grey, &c. &c.*

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*Sunnyside Cottage, near Montrose, Nov. 16, 1847.*

My dear Lord—As Parliament is about to meet, and your engagements will multiply, may I now beg a few lines, saying what reply was made by Lord Elgin to your letter calling to notice my case. This will oblige your old friend,

ROB. F. GOURLAY.

*Lord Campbell.*

*Stratheden House, November 18, 1847.*

My dear Gourlay—I had several times, with no effect, applied to Lord Grey to know the result of Lord Elgin's inquiries into your case.

To-day I sent him your letter, with a strong remonstrance, and have just received the inclosed answer.

I conjecture that your letter and mine are both forwarded to Lord Elgin, and I hope they will at last produce the desired effect.—Yours very truly,

CAMPBELL.

*C. O., November 18, 1847.*

Dear Lord Campbell—I have heard nothing from Lord Elgin about Mr Gourlay. Your note just reached me in time to call his attention to the subject by this mail, which I have done.—Yours truly,

GREY.

*The Lord Campbell.*

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*Stratheden House, January 18, 1848.*

My dear Gourlay—I inclose the despatch which Lord Elgin has sent home respecting your case. However inadequate the compensation offered to you may be, I see no prospect of obtaining more, and I would strongly advise you to accept the arrears of the annuity, and to send proper receipts for the payments as they become due.—I remain, yours truly,

CAMPBELL.

*Sunnyside Cottage, Montrose, January 26, 1848.*

My dear Lord—Your letter, dated 18th instant, with copy of Lord Elgin's despatch to Lord Grey on my case, was received in course ; but, having been confined with influenza for some weeks past, I am only now able to write.

I will receive no pension from Canada, and beg that it may never again be mentioned. I hold by the award of 1841—the unanimous declaration and desire of the Legislative Assembly. I will have that or nothing. There are abundant reasons for my course of action ; but your Lordship's time is too valuable to be intruded on with these. All I now ask is, that you will cause this letter, or a copy, to be transmitted to Lord Elgin ; and you will ever believe me, yours very truly,

ROB. F. GOURLAY.

*The Right Hon. Lord Campbell.*

## MR GOURLAY'S CASE.

In the Minute of Council attached hereto, which Mr Sullivan drew up on the 10th December 1841, Mr Gourlay's case is briefly stated, and the question of the legality or illegality of the proceedings of which Mr Gourlay complains set at rest. [*Set at rest, is it ?*] This Minute of Council was founded on an address of the Legislative Assembly, dated September 1841, enclosing a copy of a Report of a Select Committee on Mr Gourlay's case, of which the following is an extract :—

‘ Your Committee cannot but express a hope that your Honourable House will do the petitioner that justice which has been so long denied him, and pass an address to His Excellency the Governor-General declaratory of the above opinions, in order that the Crown may repudiate the transaction by which the petitioner has been persecuted to his ruin, and that the Legislature may declare his sentence of banishment null and void, and cause him to be compensated for the losses he has sustained by this unwarrantable exercise of authority, and in the meantime, that some allowance be made to him to defray his personal expenses while in attendance before the Legislature defending the rights of a British subject.’

Mr Gourlay, it appears, was arrested in 1819, upon a charge of sedition, and, in exercise of the power given by the Provincial Act passed in 1804, was ordered to quit the Province within a limited time. Mr Gourlay chose to disregard the order thus given, and was again arrested, tried, and convicted upon the statute, and sentenced to be imprisoned and banished. [*What says the Report ?*]

Mr Gourlay claims redress for what he suffered, under what he maintains to be an illegal assumption of authority.

In compliance with one part of the address, namely, that some allowance be made to Mr Gourlay to defray his personal expenses while in attendance before the Legislature, the Administrator of the Government, Sir Richard Jackson, on 26th October 1841, ordered £50 currency to be paid to Mr Gourlay from the sum appropriated by the Legislature for unforeseen and indispensable expenses.

The desire expressed by the Legislative Assembly that the Crown should repudiate the proceedings by which Mr Gourlay had suffered, was an impracticable request. [*Who has settled this point ?*] In reference to this demand, the Minute in Council states :—‘ The proceeding against Mr Gourlay does not appear to have been an act of the Executive Government, but of a tribunal exercising extraordinary and extensive power, and having the widest discretion as to the mode in which it should be used. In assenting to the repeal of the act itself, the Government has already expressed its opinion in the strongest manner against the continuance of such arbitrary power in any person or body of persons, but the Committee do not see how the disavowal of the act of persons over which the present Government of the Province had no control, can in anywise help Mr Gourlay's case.’ [*I see all this very differently ; and with opportunity shall make the case clear ;—shall put the saddle on the right horse.*]

With respect to the desire expressed in the report of the Committee, that the Legislature should declare the sentence of banishment null and void, the



Minute of Council states that Mr Gourlay 'appears legally to be in a position requiring protection from the sentence passed upon him as to its future operation. The Committée believe that he might at any time, since the repeal of the act in question, have procured this protection by means of a pardon' [*a pardon !*] 'under the Great Seal; and there is no good reason why, if he wishes it, he should not be granted a pardon now.' [*Can there be grosser insult ?*] 'But he further seeks pecuniary indemnity for what he considers an illegal prosecution and conviction, which cannot be granted in the shape he requires it, unless it can be shewn that the prosecution and conviction were really illegal.' [*It can be demonstrated.*]

A copy of this Minute in Council was given to Mr Gourlay.

In September 1842 Mr Gourlay again petitioned the Legislative Assembly, complaining of what he terms 'irregularity on the part of the Crown Ministers, and praying for inquiry into their conduct with respect to himself.'

This petition, Mr Gourlay states, was referred to a Committee, 'which waived its only object—that of inquiry, and recommended that a pension should be granted to him.' The Report of this Committee was adopted by the Legislative Assembly on the 6th October 1842, and transmitted by address to the Governor—the address reiterating the opinion of the Committee, that Robert F. Gourlay is entitled to an adequate provision in the form of an annuity during his natural life, and humbly recommending that the matter be submitted to his Excellency the Governor-General. On the 10th of the same month His Excellency, by message to the Assembly, announced that he had directed that the sum of £50 be granted annually to Mr Gourlay during his natural life.

On the 16th September 1844 a warrant was issued for £86:16:4 currency in favour of Mr Gourlay, being the amount of his annuity from 6th October 1842 to 30th June 1844, at the rate of £50 per annum. This money was paid to Mr Gourlay, who, when he received it, refused to acknowledge it to be on account of a pension, which he stated he had never asked for; but said he would keep it as part payment of expenses incurred by his attendance before the Legislature, defending the rights of a British subject.

In January 1845 the Receiver-General wrote to Mr Gourlay at Boston, informing him that a warrant had been issued for the half-year's amount of his pension, and that it should be paid to him or his order, on the production of the receipt (which was enclosed) for the same, bearing his signature. This receipt Mr Gourlay refused to give; and the amount of the annuity, from the 30th January 1844, remains in the Receiver-General's hands.

In May 1846 Mr Gourlay again petitioned the Legislative Assembly, complaining that his sentence of banishment is yet not declared null and void, and that he has not been compensated for losses, and praying that 'the whole of the premises may be duly considered, and that compensation be allowed him for expenses incurred during these last five years,—the whole of that time having been devoted to his defence as a British subject.'\*

No proceeding appears to have been taken upon this petition.

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\* I had four petitions presented and printed:—one of them (the 2d) praying to be heard by myself or counsel at the Bar of Assembly. That being denied, the two others were written merely to make record.

*To Members of the Legislative Assembly of Canada.*

90 Princes Street, Edinburgh, Nov. 17, 1854.

GENTLEMEN,

Your transactions are reported to me weekly by newspapers; and it is satisfactory to know that you have become strong in numbers and mental power—sufficient to gain respect the world over, were your system of government what it *ought* to be—what I saw thirty-six years ago it *should* be, and which it *would* be, did you act as independent men, and send home commissioners, frankly to ask what is required—a Revision of your Constitution. Without that there is no hope, even from *amalgamation*. Let a dozen of you be here by Christmas, to proceed to Liverpool,—to Manchester,—to Birmingham,—to London. Then, all will be glorious in your glorious land: united for ever to this, the nurse of liberty and civilization. Do not your hearts glow within you to read of heroism in the Crimea,—of France and England striving who shall be foremost in the field against barbarism—Alas!—even too heroic.

Think you that I am imbecile,—speaking of paying the National Debt and doing away with Poor Laws?—At Markham, in 1840, I asked for a seat in the Assembly; and again, 1841, at Indiana. I have thrice stood for Fife at Parliamentary elections, and twice as a candidate for the Chair of Agriculture,—all to uphold my right as a British subject, and for that chiefly. Your Report of 1841 urged me on, and it is your bounden duty to uphold that Report. Nothing will be easier, should you but try. Look to Sullivan's imbecile arguments;—his begging the question;—his presumption;—his art!—Not one of you, I hope, but has brains sufficient to detect such flagrant deception. Am not I the victim of oppression for the sake of Canada, thirty-six years?—Am I to die, calling out shame upon you? I ask these questions gravely, and, across the broad Atlantic you ought to give ear.

Faithfully yours,

ROB. F. GOURLAY.

*To Her Most Gracious Majesty the Queen.*

MAY IT PLEASE YOUR MAJESTY,

Seeing that your Majesty will arrive at Holyrood Palace this day, I avail myself of the opportunity to submit to your Majesty's perusal and gracious consideration, the following Report of a Select Committee of the Legislative Assembly of Canada, establishing facts vitally important to my interests: declaring opinions grounded thereon, and suggesting remedies for wrongs which your Majesty only can redress.

" Report of Select Committee, to whom was referred the Petition of Robert F. Gourlay, Esquire, have the honour to report.

" Your committee having investigated the Petition, and examined witnesses in relation to the same, and procured affidavits from persons cognisant of the matters and allegations contained therein, find the following facts to be fully proven :—

" The petitioner, Mr Gourlay, first visited Canada in the year 1817, where he had acquired property by marriage, and also by purchase ; and commenced statistical inquiries into the capabilities of the province, in the course of which he became aware of the existence of various abuses. He then proposed that a commission should be appointed to proceed to Great Britain, to have these abuses rectified, and held public meetings for that purpose, accounts of the proceedings at which were published in a pamphlet, which was generally approved of by the people of the province ; but by those in power was considered as having a seditious tendency, and he was therefore arrested and put upon his trial for sedition at Kingston, but, being acquitted, he was again tried at Brockville, with, however, a similar result.

" He then had to proceed to New York on business, and, on his return, was imprisoned in the gaol at Niagara, where ill treatment, in being confined in a cell for five weeks in the dog days,—debarred from the sight of or communication with his friends, his counsel, or the Magistrates of the district,—threw both his body and mind into such a state as to render him totally unfit to defend himself upon his trial, or even to comprehend his arraignment. The result of the trial was, that he was banished from the province for life, under pain of death should he return, his alleged crime being that he neglected to quit the country upon the order of a single Magistrate (two Legislative Councillors), acting under an unjust construction of an unconstitutional statute most illegally exercised.

" Your committee do not think it necessary to comment on such proceedings.

" From the evidence adduced, which will be found in the appendix to this report, your committee are of opinion, that the arrest and imprisonment of the petitioner in Niagara, in 1819, was illegal, unconstitutional, and without the possibility of excuse or palliation. That, debarring him from an interview with his friends or his counsel, was also illegal, unjust, and unconstitutional. That, preventing magistrates of a county or district from visiting the gaol of that county or district, is a violation of all propriety, and, if persisted in, would lead to the most pernicious consequences.

"Your committee are further of opinion that his trial and sentence, when in a state of bodily and mental weakness, from the sufferings which he had undergone, which prevented him from defending himself, was unjust, unconstitutional, and cruel.

"Your committee cannot but express a hope that your Honourable House will do the petitioner that justice which has been so long denied him, and pass an address to his Excellency the Governor-General declaratory of the above opinions, in order that the Crown may repudiate the transactions by which the petitioner has been persecuted to his ruin, and that the Legislature may declare his sentence of banishment null and void, and cause him to be compensated for the losses he has sustained by the unwarrantable exercise of authority. In the meantime, that some allowance be made to him to defray his personal expenses, while in attendance before the Legislature defending the rights of a British subject.

"Your committee are in possession of proofs, that during the late rebellion, when the petitioner was resident in the United States, his Excellency Sir Francis Bond Head, then Lieutenant-Governor of Upper Canada, derived from him the most important intelligence of the movements of the brigands then organizing for an attack on the province. This, your committee humbly suggest, should neither be overlooked nor forgotten. All which is respectfully submitted.

"W. DUNLOP, *Chairman.*"

"*Kingston, Sept. 11, 1841.*"

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The Legislative Assembly approved of the above Report, and unanimously voted that it should be laid before the Governor-General, Lord Sydenham, by address, who attached to it his signature two days before his death.

Being paid £50 in part of expenses, as advised by the Assembly, and having procured office copies of all needful papers, I left Kingston, intending to proceed to England, there to lay the whole matter before the Imperial Parliament; but, at Quebec, found it necessary to return to Kingston; and then the Executive Council took a stand against the Assembly's Report, which obliged me to remain in Canada till Parliament was again assembled, in order that the Report might be sustained by its authors; but, instead of this, they represented me as an object of pity, and procured a pension which I indignantly refused to accept—not because it was *little*, but because acceptance would have argued an abandonment on my part of the Assembly's Report, and a confession of weakness, or worse than weakness, of guilt.

Trusting that the Assembly would, in time, think seriously of my case, I remained in America, year after year, pressing for inquiry; but, at last, in 1846, the Assembly having refused me a hearing at its bar, either by myself or counsel, I returned home to Scotland. Here I entrusted the member for Montrose with a petition to the House of Commons, praying for inquiry into my case; but he neglected to acknowledge it, and the member for Fife declined acting, being hopeless of success.

Two years ago, a book was published in London, entitled "*CANADA AS IT WAS, IS, AND MAY BE,*"—purporting to have been written by Sir Richard H. Bonycastle, and edited by Sir James Edward Alexander, officers in the British Army; in which book, I am falsely and insidiously scandalized. Among other statements



it is said of me, "*he was an outlaw, and every man might then have destroyed him.*" I feel assured that your Majesty would not countenance any military man in publishing such matter; and, for myself, on this occasion, I beg leave to state, that, I received from his Majesty George III a commission, as Captain Commandant of Volunteers, so early as 1799; and challenge the world to convict me of a single mean, cowardly, or dishonourable act, in the whole course of my life. It is in your Majesty's power to cause enquiry to be made into every particular here set forth; and, I do not despair of such enquiry.—Ever, with devoted homage, your Majesty's faithful subject,

ROB. F. GOURLAY.

90 Princes Street, Edinburgh,

October 12, 1854.

P.S.—It is proper to state that the original of the above was handed in by me at Holyrood Palace by three o'clock of the day on which it was written. The scroll copy being accidentally destroyed, the above was written—all but the Report—from memory. Some words and expressions may, therefore, vary from the original; but, in the main, they will be found the same.

The Lord Chief-Justice Campbell, from the purest friendship, but unknown to me, corresponded with Lords Elgin and Grey, and procured an Official Report on my case, which Lord Elgin communicated to Lord Grey with a letter dated Montreal, 23d December 1847, now in my possession. This Report is similar to that served on me by the Executive Council, December 1841, which I still maintain is untrue, both in fact and argument.

Two years ago I was about setting off for Canada, when a sad accident maimed me for life; yet, if possible, I shall be there still, to assert my rights, and hold my property.

At the present moment I rank as a candidate for the Chair of Agriculture in Edinburgh University; and this will be accompanied with TESTIMONIALS printed for the occasion, which your Majesty is most respectfully solicited to peruse.

90 Princes Street, Edinburgh,

R. F. G.

October 27, 1854.

Downing Street, 18th November 1854.

Sir—I am directed by Mr Secretary Sir George Grey to acknowledge the receipt of your Petition [the above address with P.S.], which has been forwarded to him by Colonel Phipps, by command of the Queen,—the Secretary of State for the Colonies being the proper channel through whom petitions of this nature should be presented to Her Majesty.—I am, Sir, your obedient servant,

HERMAN MERIVALE.

R. Gourlay, Esq.

#### NOTE.

*My Petition—the above Address, with postscript—was put, by me, into Edinburgh Post Office; and Colonel Phipps had a printed copy transmitted to him at Taymouth Castle. I claim the post office as a proper channel,—as better than the magne mavum of the Colonial Office.*

*To Her Most Gracious Majesty Victoria, Sovereign of the United Kingdom of Great Britain and Ireland, &c. &c. &c.*

The ADDRESS of ROBERT F. GOURLAY, a native of Ceres Parish, in the County of Fife, North Britain : banished from Upper Canada ; and now residing in the United States of America.

*Willoughby, Ohio, October 13, 1837.*

MOST GRACIOUS SOVEREIGN,

Far from home, and in a foreign land, your Majesty's Speech to Parliament has warmed my heart, strengthened my patriotism, and revived expiring hope. Through life I have been loyal, but now my loyalty is more fervent, seeing the British Crown sustained by the veriest purity. Long may it be so ; and may Almighty God, on whom you depend, continue to your Majesty every blessing.

With territory encircling the globe, two hundred\* (one hundred and thirty†) millions of subjects acknowledging your Royal sway, and the eyes of an enlightened world turned towards the British throne, what may we not expect, when love is paramount, and God propitious !

Your Majesty must be aware, that the people of Lower Canada have, for several years, refused supplies to Government, and are now threatening revolt, while many in other provinces sympathize, and would readily assist. Of immediate causes, I am ignorant, having for many years turned with disgust from Canadian affairs ; but doubt not that the people are right. Certainly Lower Canadians were during war, and long after, the most loyal people in America ; and from personal experience I know that nothing is too bad for provincial Government to perpetrate. Supplies ought to have been refused twenty years ago ; and thereby twenty millions of pounds sterling might have been saved to Britain.

In an address to the late King, my own case, opinions, and feelings were set forth ; and a copy is annexed for your Majesty's perusal. Permit me now, most excellent Queen, to advise, at once humbly, frankly, and earnestly.

When Constitutions were given to British America, the inhabitants were unfit to legislate for themselves : not so now ;—now they are nearly as numerous as were the people of the United States when they achieved independence ; and with helps of this enlightened age, are doubtless more able to frame Constitutions. Let them do so. Let the Queen of the ocean cross the Atlantic ; and, at Halifax, Quebec, and Kingston, proclaim the provinces free ; saving to Britain the sovereignty and the forts, the water-ways and wild lands. Let your Majesty give to the people a *carte blanche* for legislation ; “ *and in mercy shall the throne be established.*” Let love be the only bond of union between Britain and her colonies : then it will be eternal, and all time will resound with applause.

No one is better entitled to speak of Upper Canada than myself. It is by nature the most enviable spot on the American continent ; but how does it stand in

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\* Maximum.

† Minimum.

comparison with this State of Ohio? It began to be settled earlier; is more extensive and salubrious; as fertile and improvable; but already Ohio has three times the population; three times the extent of canals and railways; ten times the wealth, and more than ten times the number of churches, colleges, and schools—all the result of freedom.

First and last, my object has been to make Upper Canada an asylum for the poor of England, and it may yet be a happy one. For this, I am about to revisit the Provinces, there to counsel peace, and there I shall await a reply to this Address. It shall be transmitted to your Majesty by one of my daughters in Scotland, who will witness the purity of my motives, as well as my constant endeavours to maintain the unity of the Empire.

I am, most dutifully, sincerely, and respectfully,

Your Majesty's loyal subject,

ROBERT F. GOURLAY.

NOTE.—Three copies of the above were dispatched by post:—the first direct to Her Majesty in England; the second to Sir Francis Bond Head in Toronto, to be forwarded, after perusal, to my daughter in Scotland; and the third to my daughter direct in Scotland. Both of these last were received by my daughter;—one forwarded by her to the Queen;—the other to Sir John Campbell, Attorney-General, for Her Majesty.

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*Cleveland, Ohio, Dec. 27, 1837.*

Sir—Having removed to this city for warm winter quarters and medical aid a month ago, Captain Halkett's letter of 28th Nov. did not come to hand so soon as it might, but is now before me, giving assurance that the third copy of my Memorial to Her Majesty was despatched for my daughter.

With sorrow and shame have I since read of rebellion in the Canadas:—sorrow for the poor deluded people—shame for British rule. Little did I imagine, when addressing the Queen, that the "*madness of the people*" would really break forth; and it is now some consolation to think, that the paroxysm being over, good may come out of evil;—that bad blood let off, fever may abate, and the body politic enjoy lasting health.

Immediately after returning to this place, from Upper Canada, last year, I printed my correspondence with Your Excellency, (a copy of which shall be despatched along with this letter), and was actually on board a schooner for passage across Lake Erie, when accident induced delay. I then added to my printed "Record," and was again on the wing for Upper Canada, when it pleased God to strike me down with disease, which still renders me unable to move into the province.

Sir!—however wicked and weak—blackguard, bloody, and bungling, have attempts been to rive the colonies from Britain, no such disgraceful catastrophe would have been witnessed had the Government been pure. It has been at once impure, wasteful, and regardless of principle, as I myself can attest. I allude to none of your doings. From all accounts, your conduct has been honourable and masterly. Your latest political measure—the removal of the military from Upper Canada, and confiding in the people, is above praise—is itself satis-

factory proof that parties have had fair play, while the result already condemns revolvers. We hear that they are in possession of Navy Island, with strong reinforcement from the United States. Let them abide to cool; and honour them not with a siege. A little time will show them off as truly contemptible.

Americans, generally, are grossly ignorant of Canadian affairs. They talk of tyranny and oppression, while Britain has been indulgent to a fault,—pampering fools, and caressing bears. They compare this miserable brawl to their glorious revolution! What would Washington say, were he to rise from the grave! The good sense of Americans will soon discover their mistake; and, if the fools, who in frenzy have taken part with run-aways, do not retire in shame, their countrymen will gladly see them kicked out from interference in family affairs.

I, Sir, am out of sight the greatest sufferer from colonial abuse; but, I am a Briton, and to Britain shall ever be true. I have constantly looked to Upper Canada as a field where the best principles and feelings may be cultivated; and despair not, even now, when it is putrid, of seeing its fruit of the finest flavor.

Four years ago, I landed at New York; and, annoyed with the threats of one party and the caresses of another, issued a proclamation against all. A year afterwards, my case was addressed to His Majesty, while I told the Duke of Wellington, that "*British spirit shall uphold British America, whether the weaklings now in possession—Governors or governed—will or will not.*" I say so still.

But, Sir, there is a cause greater than that of Canada; more crying than the strife of nations,—more sacred than that of patriotism—the cause of the poor;—a cause which must be won, not by hostile attack, but by friendly admonition, reason, and religion. To that cause I am spell-bound.

This day, thirty-seven years ago, I left London, under the auspices of the Board of Agriculture (see Young's Annals of Agriculture, volume 37, and page 514), to inquire as to means of bettering the condition of the poor; and, from that day to this, have been devoted to the pursuit. You have been a Commissioner of poor-laws: I have made that subject the study of my life. I have informed Her Majesty, that "*first and last, my object has been to make Upper Canada an Asylum for the poor of England;*" and, with Her Majesty's assistance, shall render it a "*a happy one.*"

Now, Sir, enough is said for the present; and all I ask of you is, to lay this letter and the enclosed address to the Queen, before the Commons' House of Assembly; while you cause copies of the whole to be published in provincial newspapers. If ignorance has hitherto taken my writings as bane, these may serve as an antidote.—I have the honour to be, with the utmost respect, your Excellency's obedient servant,

ROB. F. GOURLAY.

*Sir Francis Bond Head, &c.*

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Toronto, 11th January 1838.

Sir—I am commanded by the Lieutenant Governor to acknowledge the receipt of your letter of the 27th December; and to inform you that his Excellency will pay every possible attention to your wishes.—I have the honour to be, Sir, your obedient servant,

F. HALKET.

*Robert F. Gourlay, Esq.*



*To the Members of the Legislative Assembly of Canada.*

90 *Princes Street*, December 7, 1854.

Gentlemen—I now address you for the last time ; and, as only a few of your number knew me when first in the Province—many of you being then children, and many unborn—I shall briefly recount some occurrences essential to be known.

After travelling through part of Canada and the State of New York, 1817, I saw a field, whereon, by Land-agency, I could not only enrich myself, but establish a grand system of emigration. In view of this, I addressed Resident Land-owners, and submitted queries for determining facts. All but one man applauded, and he stirred up unspeakable mischief. It then became obvious that no good could be effected till there was thorough enquiry into the state of the Province. That measure was advised by me ; and would have been carried to successful issue, had I not been put down by means ‘ *illegal, unconstitutional, and without the possibility of excuse or palliation,*’ as declared unanimously by your predecessors, 1841.

Since 1819, I have been subjected to more cruel persecution than, perhaps, any man alive. Indeed, but for printed records, it would be incredible. Thank God, after seeing seventy-seven summers, I am now better in many respects than during the last thirty-four years ;—able not only to take care of myself but to serve you ; and it will be easy to serve you, if willing to be served,—willing to do the one thing needful,—willing to send Commissioners to London, there to consult with others appointed by the Home Government as to what is best for the general good of the Empire.

Gentlemen—The fate of Canada has often rested on a point when the slightest touch might have determined her future. Had Hull proceeded down the province with his army, 1812, without delay, all would have been his. Had militia-men crossed Niagara river, after Queenston heights were gained by the Americans, then, too, all would have been over with British rule in Upper Canada ; and so it was at various other periods of that war.

During the outbreak, 1837, Mackenzie would have taken Toronto, but for a succession of extraordinary occurrences ; and, in that case, there might have been a protracted civil war. Had I been inclined to favour that outbreak, the Province might have been overrun with Americans merely by my advice and influence, while I myself rested in a rocking-chair at Cleveland in Ohio. I say it not as a boast ; and wish it to be regarded only as an act of Providence, my being in that quarter, where, instead of aiding sympathisers, I continued five months daily and openly in opposition. Why did I so act ? Because there was no good excuse for rebellion in the Provinces ; and because the greatest good can be obtained by the union of Canada with England.

ROB. F. GOURLAY.

Witnessed by us :

JAMES THORBURN, Queenston, Canada West.

HENRY H. REID, }  
GEORGE M. REID, } Darlington, do.

ARTHUR W. MOORE, Toronto, do.

J. H. STINSON, Hamilton, do.

#### NOTE.

*December 8, 1854.*

It so happened that a proof-slip of the above Address was handed to me from the printing office, while entertaining a party at dinner, five of whom were students of medicine from Upper Canada. They had previously seen my Testimonials, and other addresses ; and it occurred that they might do me good service by witnessing my signature of the above. That was no sooner hinted at than cheerfully complied with. The space left for concluding the Address being thus occupied that must stand over for a future occasion.

R. F. G.

PP 21/29.

